

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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Ashley Allen Blitch, #3066590,

Petitioner,

-vs-

Warden, Kershaw Correctional
Institution; and State of South
Carolina,

Respondents.

Civil Action No. 9:05-1551-SB

ORDER

This matter is before the Court on the pro se Petitioner's request for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. By local rule, the action was referred to United States Magistrate Judge George C. Kosko for preliminary review.

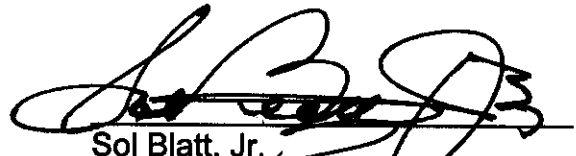
On August 14, 2005, the Magistrate Judge issued a report recommending that this action be dismissed without prejudice. Specifically, the Magistrate Judge found that the Petitioner had not exhausted his available State remedies, in that he had neither filed a direct appeal of his State Court conviction nor an application for post-conviction relief under South Carolina law. Attached to the report and recommendation was a notice giving the Petitioner ten days in which to file specific, written objections.

The Petitioner responded by submitting a letter indicating that he did not object. Then, three days later, the Petitioner submitted a second letter generally objecting to what he considers to be the injustice by the State Court prosecutor. This second objection did not address the merits of the report and recommendation.

Absent a specific objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a magistrate judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, since the Petitioner did not object to the grounds for dismissal proposed by the Magistrate Judge, there are no portions of the report and recommendation to which a de novo review must be conducted. Accordingly, the Magistrate Judge's report and recommendation is hereby adopted as the Order of this Court, and it is

ORDERED that this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

October 13, 2005
Charleston, S.C.